



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

DA 19-1151
November 6, 2019

DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF HELIX TELEPHONE COMPANY TO OREGON TELEPHONE CORPORATION

NON-STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 19-307

Comments Due: November 20, 2019
Reply Comments Due: November 27, 2019

By this Public Notice, the Wireline Competition Bureau seeks comment from interested parties on an application filed by James A. Smith, Timothy J. Smith, and Oregon Telephone Corporation (OTC) (collectively, Applicants), pursuant to section 214 of the Communications Act of 1934, as amended, and sections 63.03-04 of the Commission's rules, requesting consent to transfer control of Helix Telephone Company (Helix) from James A. Smith and Timothy J. Smith to OTC.¹

Helix, an Oregon corporation, provides services as a rural incumbent local exchange carrier (LEC) to 187 loops in the exchanges of Helix and Meacham, Oregon. James A. Smith and Timothy J. Smith, both U.S. citizens, each hold 50% of the stock of Helix.

OTC, an Oregon corporation, provides service as a rural incumbent LEC to 1,358 loops in the Mt. Vernon, Bates, Prairie City, Dayville, Hereford-Unity, Harper, and Juntera exchanges in Oregon. Mr. Garrin Bott, a U.S. citizen, wholly owns OTC. Applicants state that OTC holds 95% of the interest in North-State Telephone Co. (North State), an Oregon corporation, serving as a rural incumbent LEC in the Dufur exchange in Oregon,² and wholly owns New Florence Telephone Company (New Florence), a Missouri corporation, serving as a rural incumbent LEC in the New

¹ See 47 U.S.C. § 214; 47 CFR §§ 63.03-04. On November 1, 2019, Applicants filed a supplement to their domestic section 214 application.

² Applicants state that Mr. Bott holds the other 5% of North State. North-State wholly owns three rural incumbent LECs: Home Telephone Company (Home Telephone), an Oregon corporation, serving the Condon exchange in Oregon; Pine Telephone System, Inc. (Pine Telephone), an Oregon corporation, serving the Halfway, Granite, and Three Rivers exchanges in Oregon; and Skyline Telecom, Inc., a Washington corporation, serving the Mt. Hull and Beaver Creek exchanges in Washington.

Florence exchange in Missouri.³ Applicants further state that OTC wholly owns MD Communications, an Oregon corporation, providing long distance services in Oregon, including the exchanges served by North State, Home Telephone, and Pine Telephone.

Pursuant to the terms of the proposed transaction, OTC will acquire all of the stock of Helix. Applicants state that there are no overlapping or adjacent service areas between Helix and OTC or any of OTC's affiliates. Because the transaction is more complex than usual, and in order to analyze whether the proposed transaction would serve the public interest, the application will not be streamlined.⁴

Domestic Section 214 Application Filed for the Transfer of Control of
Helix Telephone Company to Oregon Telephone Corporation, WC Docket No. 19-307
(filed Oct. 23, 2019).

GENERAL INFORMATION

The application identified herein has been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules and policies.

Interested parties may file comments and petitions **on or before November 20, 2019**, and reply comments or oppositions to petitions **on or before November 27, 2019**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by paper. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- **Electronic Filers:** Comments may be filed electronically by accessing ECFS at <http://apps.fcc.gov/ecfs/>.
- **Paper Filers:** Parties who choose to file by paper must file an original and one copy of each filing. Paper filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail.
 - All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC, 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. All envelopes and boxes must be disposed of before entering the building.
 - Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD, 20701.

³ New Florence wholly owns the following three rural incumbent LECs, each Missouri corporations providing service in Missouri: New London Telephone Company, serving the New London exchange; Stoutland Telephone Company, serving the Southerland exchange; and Orchard Farm Telephone Company, serving the Orchard Farm exchange.

⁴ 47 CFR § 63.03(c)(1)(v).

- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC, 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at 202-418-0530 (voice), 1-888-835-5322 (tty).

In addition, e-mail one copy of each pleading to each of the following:

- 1) Myrva Charles, Competition Policy Division, Wireline Competition Bureau, myrva.charles@fcc.gov;
- 2) Gregory Kwan, Competition Policy Division, Wireline Competition Bureau, gregory.kwan@fcc.gov; and
- 3) Jim Bird, Office of General Counsel, jim.bird@fcc.gov.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), 1-888-835-5322 (tty).

The proceeding in this Notice shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b), 47 CFR § 1.1206(b). Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules.

To allow the Commission to consider fully all substantive issues regarding the application in as timely and efficient a manner as possible, petitioners and commenters should raise all issues in their initial filings. New issues may not be raised in responses or replies.⁵ A party or interested person seeking to raise a new issue after the pleading cycle has closed must show good cause why it was not possible for it to have raised the issue previously. Submissions after the pleading cycle has closed that seek to raise new issues based on new facts or newly discovered facts should be filed within 15 days after such facts are discovered. Absent such a showing of good cause, any issues not timely raised may be disregarded by the Commission.

⁵ See 47 CFR § 1.45(c).

For further information, please contact Myrva Charles at (202) 418-1506 or Gregory Kwan at (202) 418-1191.

FCC